

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VICTOR J. RUNNER,

Plaintiff,

Case No. 04 CV 2220 (TPG)

-against-

NOTICE OF APPEAL

NEW YORK STOCK EXCHANGE, INC. and AMEC
CONSTRUCTION MANAGEMENT, INC.,

Defendants.

-----X
NEW YORK STOCK EXCHANGE, INC.,

Third-Party Plaintiff,

-against-

ALBIN GUSTAFSON CO., INC.,

Third-Party Defendant.

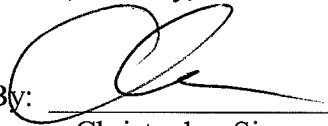
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C O U N S E L:

PLEASE TAKE NOTICE that defendants hereby appeal to the United States Court of Appeals for the Second Circuit from the annexed judgment of the United States District Court for the Southern District of New York entered in this action on January 28, 2008.

Dated: Lake Success, NY
February 5, 2008

Shaub, Ahmuty, Citrin & Spratt, LLP

By: 
Christopher Simone (CS 0675)

1983 Marcus Avenue
Lake Success, NY 11042-1056
(516) 488-3300

Appellate Counsel to
Lewis Brisbois Bisgaard & Smith, LLP
Attorneys for Defendants

To:

Sacks and Sacks
150 Broadway, 4th Floor
New York, NY 10038
(212) 964-5570
Attorneys for the plaintiff

The third-party action was discontinued with prejudice by so-ordered stipulation dated January 23, 2007.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/28/08

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

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NEW YORK STOCK EXCHANGE, INC.,

Third-Party Plaintiff,

-against-

ALBIN GUSTAFSON CO., INC.,

Third-Party Defendant.
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The third-party action having been discontinued with prejudice by so-ordered stipulation entered January 23, 2007; and

In accordance with the stipulation between the plaintiff Victor Runner and defendants New York Stock Exchange, Inc. and AMEC Construction Management, Inc. dated December 14, 2007; it is

ORDERED and ADJUDGED that the plaintiff recover judgment against the defendants in the total sum of \$900,000.00.

Dated: New York, NY
January 28, 2008

J. Michael McMahon

J. MICHAEL McMAHON
Clerk of the Court

(00419380.DOC)
00419380.1

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

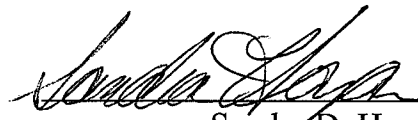
Sandra D. Hazan, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Little Neck, New York.

That on the 5th day of February, 2008, deponent served the within Notice of Appeal, upon:

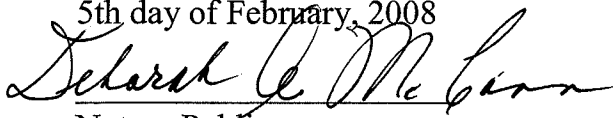
Sacks and Sacks
150 Broadway, 4th Floor
New York, NY 10038
(212) 964-5570
Attorneys for the plaintiff

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at the address designated by said attorney(s) for that purpose, by depositing a true copy thereof enclosed in a first class postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service department within the State of New York.


Sandra D. Hazan

Sworn to before me this
5th day of February, 2008


Notary Public

DEBORAH A. MCCANN
Notary Public, State of New York
No. 01MC8116735
Qualified in Queens County
Commission Expires October 4, 2008 